

2003 DRAFTING REQUEST**Assembly Amendment (AA-AB668)**Received: **01/12/2004**Received By: **jkuesel**Wanted: **Soon**

Identical to LRB:

For: **Workforce Development 6-9641**By/Representing: **Tom Smith**This file may be shown to any legislator: **NO**Drafter: **jkuesel**

May Contact:

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Subject: **Unemployment Compensation**

Extra Copies:

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No specific pre topic given

Topic:

AA to AB-668

Instructions:

Per LRBs0285/1 and LRB-3948/1. Retroactively apply changes in definition of "employee" for contribution purposes to January 1, 2004.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

Jacket sent to
Rep. Nass
01-30-2004

Per

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Page 1

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1/1	jkuesel	1/12 Kmg	1/13	1/13			

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2003

Date (time)
needed

TUE 1/13

LRBa 1928, 1

AMENDMENT

JTK: King

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT~~TO S A AMENDMENT~~ (LRBa /),~~TO S A SUBSTITUTE AMENDMENT~~ (LRBs /),TO 2003 ~~SB SJR SR~~ AB ~~AJR AR~~ 668 (LRB /)At the locations indicated, amend the 611 as follows:

(fill ONLY if "engrossed" or "as shown by")

✓ #. Page 18, line 14: Delete that line and substitute:
"SECTION 32.108.04 (16)(d) of the statutes is created to read: "

✓ #. Page 18, line 27: Delete lines 22 to 25 and substitute:

✓ #. Page 23, line 1: delete lines 1 to 18.

✓ #. Page 24, line 6: delete lines 6 to 15.

✓ #. Page 25, line 7: after that line insert:

InsB →

✓ # Page 35, line 25: delete that line and substitute "of 2004."

✓ # Page 36, line 1: delete lines 1 to 24 and substitute:

→ INSC

(end)

Par 5A

- 1 2. The department shall not apply benefit disqualifications under sub. (1) (b)
2 1., (2) (a) or (d), (7) (c), or (8) (e) or s. 108.141 (3g) that are not the result of the training
3 while the individual is enrolled in the training.

4 **SECTION 26.** 108.04 (16) (d) of the statutes is created to read:

5 108.04 (16) (d) If an individual is enrolled under the plan of any state for
6 training under 19 USC 2296 or a plan for training of dislocated workers approved
7 under 29 USC 2822:

8 1. The department shall not deny benefits under sub. (7) as a result of the
9 individual's leaving unsuitable work to enter or continue such training; and

10 2. The requalifying requirements under subs. (7) and (8) do not apply while the
11 individual is enrolled in such training.

12 ³²⁹
12 **SECTION 27.** 108.04 (16) (e) of the statutes is created to read:

13 108.04 (16) (e) The department shall charge to the fund's balancing account the
14 cost of benefits paid to an individual that are otherwise chargeable to the account of
15 an employer that is subject to the contribution requirements of ss. 108.17 and 108.18
16 if the individual receives benefits based on the application of par. (d).

17 ^{32r}
17 **SECTION 28.** 108.04 (16) (e) of the statutes, as affected by 2003 Wisconsin Act
18 ... (this act), is amended to read:

19 108.04 (16) (e) The department shall charge to the fund's balancing account the
20 cost of benefits paid to an individual that are otherwise chargeable to the account of
21 an employer that is subject to the contribution requirements of ss. 108.17 and 108.18
22 if the individual receives benefits based on the application of par. (b), (c) 2., or (d).

23 **SECTION 29.** 108.04 (17) (a) 1. and 2., (b) 1. and 2., (c) 1. and 2., (d), (e), (f), (g),
24 (h), (i) and (k) (intro.) of the statutes are amended to read:

1 108.04 (17) (a) 1. During the period between 2 successive academic years or
2 terms, if the school year employee performed such services for ~~an~~ any educational
3 institution in the first such year or term and if there is reasonable assurance that he
4 or she will perform such services for ~~an~~ any educational institution in the 2nd such
5 year or term; or

6 2. During the period between 2 regular but not successive academic terms,
7 when an agreement between an employer and a school year employee provides for
8 such a period, if the school year employee performed such services for ~~an~~ any
9 educational institution in the first such term and if there is reasonable assurance
10 that he or she will perform such services for ~~an~~ any educational institution in the 2nd
11 such term.

12 (b) 1. During the period between 2 successive academic years or terms, if the
13 school year employee performed such services for any such ~~-a-~~ government unit,
14 Indian tribe, or nonprofit organization in the first such year or term and if there is
15 reasonable assurance that he or she will perform such services for any such ~~-a-~~
16 government unit, Indian tribe, or nonprofit organization in the 2nd such year or
17 term; or

18 2. During the period between 2 regular but not successive academic terms,
19 when an agreement between an employer and a school year employee provides for
20 such a period, if the school year employee performed such services for any such ~~-a-~~
21 government unit, Indian tribe, or nonprofit organization in the first such term and
22 if there is reasonable assurance that he or she will perform such services for any such
23 ~~-a-~~ government unit, Indian tribe, or nonprofit organization in the 2nd such term.

24 (c) 1. During the period between 2 successive academic years or terms, if the
25 school year employee performed such services for ~~an~~ any educational service agency

SECTION 50. 108.225 (16) (b) of the statutes is renumbered 108.225 (16) (a) 2.

SECTION 51. 108.225 (16) (c) of the statutes is renumbered 108.225 (16) (a) 3.

and amended to read:

108.225 (16) (a) 3. In the case of earnings for a period other than a week, a subsistence allowance computed so that it is equivalent to that provided in par. (b) subd. 2. using a multiple of the federal minimum hourly wage prescribed by rule of the department.

SECTION 52. 2001 Wisconsin Act 35, section 72 (2) (a) 2. and 3. are repealed.

SECTION 53. Nonstatutory provisions.

(1) CLAIMS BY CLAIMANTS ENROLLED IN CERTAIN TRAINING PLANS. Section 108.04 (16) (d) of the statutes, as created by this act, and SECTION 34.21 of this act apply notwithstanding section 108.04 (16) (b) and (c), 2001 stats.

SECTION 54. Initial applicability.

(2) The renumbering and amendment of section 108.04 (2) (a) 3. of the statutes and the creation of section 108.04 (2) (a) 3. a. to c. of the statutes first apply with respect to weeks of unemployment beginning on June 27, 2004.

(3) The creation of section 108.04 (16) (e) of the statutes first applies with respect to weeks of unemployment beginning on December 30, 2001.

(4) The treatment of sections 108.02 (25s) and 108.04 (7) (h) and (16) (a) (intro.), 1. to 4., and 5., (b), (c), and (d) of the statutes and the amendment of section 108.04 (16) (e) of the statutes first apply with respect to weeks of unemployment beginning on the effective date of this subsection.

(5) The treatment of section 108.09 (4) (c) of the statutes first applies with respect to determinations issued under sections 108.09, 108.095, and 108.10 of the statutes on the effective date of this subsection.

contd.

1 108.225 (16) (a) (intro.) In the case of ~~benefit overpayments and forfeitures~~
2 imposed upon an employing unit under s. 108.04 (11) (c), an individual debtor is
3 entitled to an exemption from levy of the greater of the following:

4 **SECTION 48.** 108.225 (16) (a) of the statutes is renumbered 108.225 (16) (a) 1.
5 and amended to read:

6 108.225 (16) (a) 1. A subsistence allowance of 75% of the debtor's disposable
7 earnings ~~then due and owing~~;

8 **SECTION 49.** 108.225 (16) (am) of the statutes is created to read:

9 108.225 (16) (am) 1. In the case of benefit overpayments, an individual debtor
10 is entitled to an exemption from levy of 80% of the debtor's disposable earnings,
11 except that:

12 a. A debtor's disposable earnings are totally exempt from levy if the debtor's
13 wages are below the federal income guideline established under 42 USC 9902 (2) for
14 a household of the debtor's size or the levy would cause that result.

15 b. Upon petition by a debtor demonstrating hardship, the department may
16 increase the portion of the debtor's disposable earnings that are exempt from levy.

17 c. The department may decrease or eliminate the exemption from levy under
18 this paragraph if a final determination has been issued under s. 108.09 or a judgment
19 has been entered under s. 108.24 (1) in which the debtor has been found guilty of
20 making a false statement or representation to obtain benefits and the benefits and
21 any assessment under s. 108.04 (11) (cm) have not been paid or reimbursed at the
22 time that the levy is issued, unless the fund's treasurer has written off the debt under
23 s. 108.16 (3) (a).

24 2. The department shall by rule prescribe a methodology for application of the
25 exemption applicable to a levy under subd. 1. a. at the time that the levy is issued.

→ PWS C

① (6) (15) The treatment of sections 108.16 (3) (a) and (6m) (e) and 108.225 (1) (b), (15), and
2 (16) (intro.), (a), (am), (b), and (c) of the statutes first applies with respect to levies
3 issued on the effective date of this subsection.

4 (7) (8) The treatment of section 108.16 (8) (b) (intro.) and 2., (c) 4., (e) 4., and (f) of
5 the statutes first applies with respect to transfers of businesses occurring after
6 December 31, 2003.

7 (8) (w) The treatment of section 108.22 (2) (b) of the statutes first applies with
8 respect to satisfactions, releases, and withdrawals of warrants issued on the effective
9 date of this subsection.

10 SECTION ^{69m} 55. Effective dates. This act takes effect on the first Sunday after
11 publication, except as follows:

12 (1) The treatment of section 108.16 (6m) (a) of the statutes and the creation of
13 section 108.04 (16) (e) of the statutes take effect ~~on~~ December 30, 2001. "

14 (END)

end

retroactively to

Emery, Lynn

From: Emery, Lynn
Sent: Friday, January 16, 2004 11:18 AM
To: Smith, Thomas E - DWD UI
Subject: LRBa1928/1 (attached as requested)



03a1928/1

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